UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	DAVID P. MILLER	:	CHAPTER 7
	RANDI M. MILLER	:	
	Debtors	:	NO. 08-13711-ELF

RANDI M. MILLER,	:	
Social Security Number xxx-xx-0821	:	
Plaintiff,	:	
	:	
vs.	:	ADVERSARY NO.
	:	
SALLIE MAE, INC, also known as	:	
SALLIE MAE	:	
Defendant.	:	

COMPLAINT TO DETERMINE
DISCHARGEABILITY OF STUDENT LOAN

I. Preliminary Statement

1. This is an adversary proceeding brought under the Bankruptcy Code, 11 U.S.C. § 523(a)(8), to determine the dischargeability of an education loan made, insured and or guaranteed by a governmental unit.

II. Parties

2. Plaintiff is an adult individual who resides at 300 Scheivert Avenue, Aston, PA 19014. She is the debtor in the above-captioned bankruptcy case.

3. Defendant, Sallie Mae, Inc. also known as Sallie Mae is believed to be a Delaware corporation with its principal place of business located at 12061 Bluemont Way, Reston, Virginia, 20190.

II. Jurisdiction

4. Jurisdiction of the bankruptcy court is provided by 28 U.S.C. §§1334 and 157 and the Order of the United States District Court for this District dated July 25, 1984.

5. This is a core proceeding.

III. Factual Allegation

6. Plaintiff originally obtained a student loan for the education of her son on or about 1999 in the amount of $12,000.00 and on or about 2006 she obtained a second student loan for her daughter, and both student loans were consolidated on or about February 14, 2007 for the amount of $20,853.17.

7. Plaintiff's present indebtedness on her student loan(s) is approximately $20,715.00, owed towards Sallie Mae, Inc.

8. The debtor is disabled.

9. The debtor's income consists of only $846.00 per month in social security disability benefits.

10. The Debtor's basic monthly expenses exceed her income.

IV. Cause of Action

11. Plaintiff's family's current and expected future income is and will be barely adequate (if at all) for her to afford the basic necessities of life.

12. The debtor lacks the resources to repay the student loan(s) and any payments she would make would create a great hardship, both in the present and in the future.

13. Excepting the student loan from discharge would impose an undue hardship on the Debtor.

14. The above-described student loan(s) is dischargeable under 11 U.S.C. § 523(a)(8).

WHEREFORE, Debtor, Randi M. Miller requests that this Court declare the subject matter student loan(s) dischargeable under 11 U.S.C. § 523(a)(8).

Respectfully Submitted,

IANNELLO, WATERMAN & MUIR, LLP

BY: */s/ Scott F. Waterman*

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